

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katherine O'Connor	Team: Team # 1	CCRB Case #: 200603667	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/01/2006 1:20 PM	Location of Incident: § 87(2)(b)	Precinct: 62	18 Mo. SOL 9/1/2007	EO SOL 9/1/2007	
Date/Time CV Reported Wed, 03/22/2006 4:31 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/22/2006 4:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Frank Kolanovic	14340	924035	062 PCT
2. SGT Christop Zaleski	01803	923399	062 PCT
3. POM Michael Ohalloran	14318	918088	062 PCT
4. POM Louis Caputo	07462	917378	062 DET
5. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Frank Kolanovic	Abuse: PO Frank Kolanovic stopped and questioned § 87(2)(b)	§ 87(2)(b)
B.POM Frank Kolanovic	Abuse: PO Frank Kolanovic frisked § 87(2)(b)	§ 87(2)(b)
C.POM Louis Caputo	Abuse: PO Louis Caputo frisked § 87(2)(b)	§ 87(2)(b)
D.POM Frank Kolanovic	Abuse: PO Frank Kolanovic searched § 87(2)(b)	§ 87(2)(b)
E.POM Louis Caputo	Abuse: PO Louis Caputo searched § 87(2)(b)	§ 87(2)(b)
F.POM Frank Kolanovic	Force: PO Frank Kolanovic used physical force against § 87(2)(b)	§ 87(2)(b)
G.POM Louis Caputo	Force: PO Louis Caputo used physical force against § 87(2)(b)	§ 87(2)(b)
H. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)
I.SGT Christop Zaleski	Force: Sgt. Christop Zaleski used physical force against § 87(2)(b)	§ 87(2)(b)
J.POM Michael Ohalloran	Force: PO Michael O'Halloran used physical force against § 87(2)(b)	§ 87(2)(b)

## Synopsis

On March 1, 2006, at approximately 12:50pm, § 87(2)(b) was walking on 15<sup>th</sup> Avenue near its intersection with 70<sup>th</sup> Street in Brooklyn when he was stopped by PO Frank Kolanovic of the 62<sup>nd</sup> Precinct [**Allegation A**]. PO Kolanovic was with his partners Sgt. Christopher Zaleski, PO Louis Caputo, and PO Michael O'Halloran. After PO Kolanovic stopped him, he frisked and searched § 87(2)(b) with PO Caputo [**Allegations B, C, D and E**]. The officers asked § 87(2)(b) for his identification, which § 87(2)(b) provided verbally. Sgt. Zaleski ran § 87(2)(b)'s name and date of birth for warrants, and after the check was finished, he informed § 87(2)(b) that he was under arrest for an outstanding warrant. As the officers approached him to place him under arrest, § 87(2)(b) ran south on 15<sup>th</sup> Avenue, and turned onto 71<sup>st</sup> Street, running toward 14<sup>th</sup> Avenue. The officers chased after him. § 87(2)(b) ran into the back yard of § 87(2)(b) and hid behind an above-ground pool. Soon after he hid, PO Caputo entered the back yard. He approached § 87(2)(b) and along with PO Kolanovic and another officer that § 87(2)(b) could not see, began to hit and kick him repeatedly [**Allegations F, G and H**]. § 87(2)(b) was handcuffed and placed under arrest. After he was cuffed, each of the four officers grabbed one of § 87(2)(b)'s limbs, lifted him up off the ground, and dropped him, causing him to hit his face on the ground [**Allegations G cont., H cont., I and J**]. § 87(2)(b) received multiple injuries to his head, leg, shoulder and back from the assault. He was removed to § 87(2)(b) but he did not receive treatment. He was charged with § 87(2)(b).

§ 87(2)(g)  
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§ 87(2)(g)

## Summary of Complaint

On March 1, 2006, a § 87(2)(b) fact sheet was filled out for § 87(2)(b) by PO Frank Kolanovic of the 62<sup>nd</sup> Precinct. § 87(2)(b) was arrested for § 87(2)(b) that day. On the fact sheet, it stated that § 87(2)(b) told PO Kolanovic, "I know the owner" of the property, and that this was the reason he gave for entering (encl. 11a-b).

On March 22, 2006, § 87(2)(b) called the CCRB to file a complaint on behalf of her son, § 87(2)(b) (encl. 9a-c). Because § 87(2)(b) was not a victim or witness to the incident she was complaining about, she was not interviewed. On March 31, 2006, the undersigned called and reached § 87(2)(b) and he provided a brief phone statement on that day (encl. 12a-b). On April 10, 2006, § 87(2)(b) was interviewed at the CCRB (encl. 13a-f). § 87(2)(b) is a § 87(2)(b)-old white male who works as a § 87(2)(b). He currently lives at § 87(2)(b) in Brooklyn. He provided the following statement:

On March 1, 2006 at approximately 1:20pm, § 87(2)(b) was walking south on 15<sup>th</sup> Avenue toward 70<sup>th</sup> Street in Brooklyn. As he was walking across 15<sup>th</sup> Avenue, a gold Crown Victoria drove past him and pulled over at the corner of 70<sup>th</sup> Street and 15<sup>th</sup> Avenue. The police vehicle contained four police officers, (identified through investigation as Sgt. Christopher Zaleski, PO Frank Kolanovic, PO Louis Caputo and PO Michael O'Halloran, all of the 62<sup>nd</sup> Precinct). After the car had pulled over at the corner of 70<sup>th</sup> Street and 15<sup>th</sup> Avenue, the driver (who § 87(2)(b) could not identify by name, but was identified through investigation as PO Caputo) asked § 87(2)(b) how he was doing. § 87(2)(b) replied that he was all right, and the four officers proceeded to exit the car. § 87(2)(b) walked over to the sidewalk on the corner, and the four officers joined him and gathered around him in a circle. One of the officers who § 87(2)(b) identified as PO "Polowski" (identified through investigation as Sgt. Zaleski) asked § 87(2)(b) if he had any identification on him. § 87(2)(b) replied that he did not, and after he said this, an officer that § 87(2)(b) said was named PO "Paluto" (identified through investigation as PO Kolanovic) and PO Caputo began to frisk and search § 87(2)(b). One officer stood on his right side and the other stood on his left side, and they proceeded to reach into his pants pockets and pat him down around his waist. They then reached into his jacket pockets and removed their contents, including § 87(2)(b)'s money, his keys, his two cell phone and some pieces of paper. They then placed the items back into his pockets. Sgt. Zaleski and PO O'Halloran (who § 87(2)(b) did not identify by name) stood in front of § 87(2)(b) and watched as the other two officers conducted the search. The search of § 87(2)(b) lasted "two to three seconds." (In § 87(2)(b)'s phone statement, he first said that only one officer searched him, and that it was PO

O'Halloran, not PO Kolanovic or PO Caputo. He did not identify PO O'Halloran by name, but his physical description of this officer was consistent with PO O'Halloran's pedigree. He then revised his phone statement and said that PO Kolanovic may have searched his pockets as well as PO O'Halloran, but that he was not certain. He said that while PO O'Halloran was going through his pockets, at least one of the officers on the scene patted the outsides of his pockets—he could not recall which officer frisked him, but he said that it was not PO O'Halloran).

When the officers finished searching him, Sgt. Zaleski asked him to provide his name, date of birth and address. (In his phone statement, § 87(2)(b) said that it was PO Caputo who asked him for his identification). § 87(2)(b) provided this information, and Sgt. Zaleski wrote it down on a notepad. He then returned to the vehicle, where he remained for approximately two or three minutes. While Sgt. Zaleski was in the vehicle, the other three officers asked § 87(2)(b) where he was going, and § 87(2)(b) replied that he was going to his girlfriend's house at § 87(2)(b). § 87(2)(b) asked if there was a problem and the officers replied that there wasn't, and that in a few moments, he would be free to go. Then, Sgt. Zaleski exited the car and told § 87(2)(b) to place his hands behind his back. § 87(2)(b) asked why, and Sgt. Zaleski stated that there was a warrant out for his arrest. § 87(2)(b) replied that he did not have any outstanding warrants. PO Caputo and PO Kolanovic approached § 87(2)(b) as if to "grab" him and place him under arrest, and when they did this, § 87(2)(b) started to run away from them. He ran down 15<sup>th</sup> Avenue, and then turned right onto 71<sup>st</sup> Street. He ran west on 71<sup>st</sup> Street toward 14<sup>th</sup> Avenue. He crossed 14<sup>th</sup> Avenue and ran into the back yard of a house facing 14<sup>th</sup> Avenue—he described this as the second house off the corner of 14<sup>th</sup> Avenue and 71<sup>st</sup> Street. § 87(2)(b) never mentioned that he knew the owner of this house in any of his statements to the CCRB). The four officers chased § 87(2)(b) as he ran. When he got into the back yard, § 87(2)(b) observed an elderly male standing in another back yard opposite the one he had just entered. § 87(2)(b) identified the address where he saw the elderly male as § 87(2)(b), which was a private house). § 87(2)(b) crouched down behind an aboveground pool in the back yard to hide from the officers. Soon after he hid, he heard the officers run into the yard. One of the officers said, "Anybody come back here?" The next thing § 87(2)(b) observed was PO Caputo walking toward where he was hiding.

When PO Caputo reached him, he asked § 87(2)(b) "Oh, you like running?" He then proceeded to kick and punch § 87(2)(b) repeatedly in his back, shoulder and rib cage and face, approximately ten times in all. § 87(2)(b) covered his face and crouched lower on the ground to avoid the kicks. While PO Caputo was kicking him, at least one other officer also started to kick § 87(2)(b) as well—§ 87(2)(b) did not know which officer or officers joined PO Caputo, but he stated that PO Caputo was not the only one kicking him. The kicks landed on § 87(2)(b)'s back and sides of his rib cage. § 87(2)(b) stated that these punches and kicks resulted in raised bruises on his back and shoulder, and a bruise to his left eye. After the officers had been kicking and hitting § 87(2)(b) for a few seconds, PO Caputo said, "All right, all right," and he and the other officer stopped. Then, one of the officers § 87(2)(b) did not know which one) placed him in handcuffs and stood him up. One officer held onto § 87(2)(b)'s right arm and another held his left arm. The other two officers grabbed § 87(2)(b) by his legs. Together, the four officers lifted § 87(2)(b) up off the ground to about "shoulder height." Then, they all let go of his body, causing him to drop to the ground. When § 87(2)(b) landed, he struck his right cheek bone and right knee on the ground, resulting in a scrape to his right eye area and a laceration to his right knee. He stated that he did not remember what happened immediately after he was dropped, and he believes that he lost consciousness for about "fifteen seconds to a minute."

The next thing § 87(2)(b) could remember was being told by one of the officers to "get up." § 87(2)(b) replied that he could not get up because he had hit his head on the ground. The officer repeated that he "get up" and § 87(2)(b) repeated that he could not. One of the officers § 87(2)(b) did not know which one) called for an ambulance. While he was waiting for the ambulance, § 87(2)(b) lay on the ground. He could not recall what the officers were doing at this time. Approximately seven minutes after the call was made, the ambulance arrived on the scene. Several paramedics came into the back yard where § 87(2)(b) was lying, they helped him stand up, and they walked him to the ambulance that was parked on the street outside the backyard. As § 87(2)(b) was being escorted to the ambulance, the elderly male who he had seen in his back yard followed them to the street. He watched as the paramedics placed § 87(2)(b) in the ambulance. § 87(2)(b) was removed to § 87(2)(b). PO O'Halloran and PO Caputo rode with § 87(2)(b) in the ambulance. PO Kolanovic and Sgt. Zaleski did not accompany him. When he arrived, he was brought to the emergency room, but he refused medical treatment because he did not have health insurance. He was transported to the 62<sup>nd</sup> Precinct, where he was processed. While he was

in his holding cell, § 87(2)(b) asked PO Kolanovic where his warrant was and what it was for. PO Kolanovic said, "Oh, why'd you even run? You didn't have a warrant, but now you're being arrested for § 87(2)(b)." Later on, he was brought to Brooklyn Central Booking.

On May 18, 2006, § 87(2)(b) was shown single photographs of the officers identified for this case (encl. 14a-j). The names of the officers in the photos were not disclosed to § 87(2)(b). He provided the following statement:

The first photograph was of Sgt. Christopher Zaleski. § 87(2)(b) stated that Sgt. Zaleski was present during the incident on March 1, 2006. He said that Sgt. Zaleski told him that there was a warrant out for his arrest. § 87(2)(b) identified Sgt. Zaleski as having the last name "Palowski." The second photograph was of PO Michael O'Halloran. § 87(2)(b) stated that PO O'Halloran was present during the incident on March 1, 2006. He could not say what PO O'Halloran did (if anything). § 87(2)(b) did not identify PO O'Halloran by name. The third photograph was of PO Frank Kolanovic. § 87(2)(b) identified PO Kolanovic as having the last name "Paluto" and stated that PO Kolanovic was present during the March 1, 2006 incident. § 87(2)(b) said that PO Kolanovic punched and kicked him "after [the officers] found [him] in the back yard" (at § 87(2)(b)). The fourth photograph was of PO Louis Caputo. § 87(2)(b) said that PO Caputo was present during the incident on March 1, 2006. He explained that when the officers found him in the back yard at § 87(2)(b), PO Caputo asked him, "You like hiding?" (As noted above, in his interview, § 87(2)(b) stated that PO Caputo asked him if he liked "running," not "hiding," as he stated in his photo array statement). PO Caputo was the officer who "started punching and kicking" him.

### Results of Investigation

#### **Attempts to Locate Witnesses**

§ 87(2)(b)

A search was conducted for potential witnesses using various resources available to the CCRB. A Metro Search query conducted on April 19, 2006 revealed that § 87(2)(b) and § 87(2)(b) lived at § 87(2)(b), the address where § 87(2)(b) stated he entered the back yard and hid from the officers (encl. 16). "Please call" letters were mailed to § 87(2)(b) and § 87(2)(b) on that date. On April 26, 2006, § 87(2)(b) contacted the investigator over the phone. He explained that he and his wife were not home during the incident. He stated that his son, § 87(2)(b) was home, but he did not think he witnessed it. He provided § 87(2)(b)'s contact information. § 87(2)(b) also explained that his side gate was damaged during the incident--the wood and the lock that was attached to it were both broken, and as a result, the gate no longer closes properly.

§ 87(2)(b)

On March 1, 2006, § 87(2)(b) filled out a supporting disposition for "§ 87(2)(b)" (encl. 17). He signed a statement saying, "My name is § 87(2)(b). I am the custodian of the above mentioned premises ( § 87(2)(b) in Brooklyn), and defendant did not have my permission or authority to enter or remain on those premises."

A phone call was made and a "please call" letter was mailed to § 87(2)(b) on May 3, 2006. On May 5, 2006, contact was established with § 87(2)(b) (encl. 18). He provided the following oral statement:

On March 1, 2006 at approximately 1:00pm, § 87(2)(b) was in his home (located at § 87(2)(b) in Brooklyn) when a police officer knocked on his door. The officer informed § 87(2)(b) that an individual had been apprehended for trespassing in his back yard. § 87(2)(b) went out into his back yard and saw a male lying on the ground in handcuffs with other police officers around him. The male attempted to engage § 87(2)(b) in conversation, saying that he knew him from the neighborhood. § 87(2)(b) told the officers on the scene that he did not know who this male was. The officers on the scene told § 87(2)(b) that the male had damaged his gate when he entered the back yard. § 87(2)(b) looked at the gate and saw that the latch had been broken off. After § 87(2)(b) told the officers that he had not seen anything, they told him that he was free to go. § 87(2)(b) went around to his front yard, where he noticed that several neighbors had gathered to see what was going on. § 87(2)(b) did not know the names or addresses of any of these neighbors. Then, an ambulance arrived on the scene in front of the house, and the police escorted the male to the ambulance—§ 87(2)(b) said that the male was limping as he got into the ambulance. The ambulance and officers then left the scene.

§ 87(2)(b)

Metro Search revealed that § 87(2)(b) lived at § 87(2)(b) in Brooklyn, the address located adjacent and to the rear of § 87(2)(b). A “please call” letter was mailed to § 87(2)(b) on April 19, 2006. On April 21, 2006, § 87(2)(b) contacted the undersigned and provided a brief statement. She explained that she was not home at the time of the incident because she was on jury duty. However, § 87(2)(b) identified the landlord, § 87(2)(b) and stated that he was probably home during the incident. She explained that § 87(2)(b) lives downstairs, and only speaks Italian. She described § 87(2)(b) as an elderly, white male, which fit the description of the witness given by § 87(2)(b) § 87(2)(g)

A Metro Search query for § 87(2)(b) was conducted on May 5, 2006. A call was placed through an Italian interpreter (Inv. Paul Kutner) to § 87(2)(b) on May 5, 2006, but he was not home. A second call was placed on May 8, 2006, and this time, § 87(2)(b) was present. He confirmed that he witnessed some of the incident, and on May 10, 2006, a field trip was made to § 87(2)(b)'s home. Through an Italian interpreter (Inv. Scott Hartman) § 87(2)(b) provided the following statement (which he would not allow the undersigned to record) (encl. 19):

On March 1, 2006, he was walking from his garage (which is located behind his house) to his front door when he saw a bald male police officer standing in the back yard next to his (the yard of the home located at § 87(2)(b)). The two yards are separated by a five-foot-high fence, and the officer was standing with his forearms resting on top of the fence. § 87(2)(b) is about 4’11” to 5” tall, and is shorter than the fence itself. Additionally, the fence is made of wire and plastic, and it is impossible to see through the fence (except through small, half- to quarter-inch gaps) because plastic panels block the view between the yards. When § 87(2)(b) saw the police officer standing next to the fence, he was surprised, so he walked over to the fence and looked through one of the small gaps. He saw a male lying face-down on the ground approximately twenty feet away from him, next to a gate leading into the back yard. The male was handcuffed, but because § 87(2)(b) could not see very well, he could not recall anything else about how the male looked. After observing the male briefly, § 87(2)(b) continued to walk back to his door, and as he was doing so, he heard an ambulance siren approaching the vicinity. When he reached his front yard, he saw an ambulance stopped at the corner of his block—three additional police officers were standing on the corner by the ambulance. § 87(2)(b) then went back into his house via the front door. He could not give a time estimate for how long the period was from when he first saw the officer standing by the fence to when he heard the ambulance. § 87(2)(b) did not know how the male entered the yard next to his, and he never saw any officer use force against the male.

When asked if he would provide a tape-recorded statement about what he observed, § 87(2)(b) refused to do so, and thus, no formal statement was taken from him.

#### **Additional Attempts to Locate Witnesses**

A canvass was conducted in the vicinity of § 87(2)(b) on May 10, 2006 (encl. 19). The undersigned knocked on the doors of several homes surrounding § 87(2)(b) and § 87(2)(b)'s houses. No residents were home at these addresses. Additionally, two pedestrians walking past § 87(2)(b)'s house were stopped and asked about the incident. Neither of them knew anything about what had happened between § 87(2)(b) and the police, and neither of them saw the incident. Several photographs were taken of the incident location. One photograph depicted the broken gate at § 87(2)(b). Another showed § 87(2)(b) standing next to his fence.

#### **Officer Statements**

##### **PO Frank Kolanovic, 62<sup>nd</sup> Precinct**

PO Kolanovic arrested § 87(2)(b) on March 1, 2006. He noted the following entries in his **memo book** (encl. 20a-b): “12:50pm—1 m[ale] stopped 70<sup>th</sup> Street/15<sup>th</sup> Avenue. 1 under at 1:07pm.” On the **complaint report** (encl. 21a-b), PO Kolanovic stated, “§ 87(2)(a) 160.50

” The same narrative was reiterated on the **arrest report** (encl. 22a-b). He also completed a

§ 87(2)(b) fact sheet (encl. 23a-b). On it, PO Kolanovic stated that § 87(2)(b) entered a private home located at § 87(2)(b). He stated that, “§ 87(2)(a) 160.50.” The police (unknown which one or ones) told § 87(2)(b) “Don’t move” when he approached him. § 87(2)(b) did not respond to this request. On the report, it states that “§ 87(2)(a) 160.50.” PO Kolanovic recovered two cell phones and keys from the pockets of § 87(2)(b) jackets. This property was vouchered under number N024879. PO Kolanovic also filled out a supporting deposition for “§ 87(2)(b)” (encl. 24a-c). He stated that § 87(2)(a) 160.50

*PO Kolanovic was interviewed at the CCRB on May 3, 2006 (encl. 25a-c). On March 1, 2006, PO Kolanovic worked from 9:00am to 5:35pm, and he was assigned to the burglary team. He was working with Sgt. Chris Zaleski, PO Mike O’Halloran and PO Louis Caputo. They were in uniform, and they were working in a gold, 4-door Crown Victoria sedan, RMP # 713. He provided the following statement:*

On March 1, 2005 at approximately 12:50pm, PO Kolanovic was driving southbound on 15<sup>th</sup> Avenue (toward 70<sup>th</sup> Street) in Brooklyn. He was driving, Sgt. Zaleski was in the front passenger seat, and PO Caputo and PO O’Halloran were sitting in the rear seats. As he approached the intersection of 70<sup>th</sup> Street and 15<sup>th</sup> Avenue, he noticed that traffic on the north-bound side of the street was stopped and cars were honking their horns. As he got closer to the intersection, he saw an individual (identified as § 87(2)(b)) standing in the middle of 15<sup>th</sup> Avenue, next to the double yellow lines. He was not moving, and he appeared to be smiling—he did not make any gestures, nor did he appear to be doing anything, other than standing still in the street. Because § 87(2)(b) was blocking traffic, PO Kolanovic drove up next to him and rolled down his window so that he could talk to him. As he was doing this, § 87(2)(b) walked over to the car and said, “You stopped me last night. I know you.” (PO Kolanovic stated during his interview that he had not had any interaction with § 87(2)(b) prior to this incident. He also stated that he had not even been working the night prior to the incident with § 87(2)(b) which is why he thought it was strange when § 87(2)(b) said this). Thinking that § 87(2)(b) may have been in some kind of distress, PO Kolanovic said to § 87(2)(b) “Why don’t we go over to the curb,” and he pulled his vehicle over to the side of the road (at the corner of 70<sup>th</sup> Street and 15<sup>th</sup> Avenue). PO Kolanovic exited and all of the other officers remained inside the police vehicle.

When he exited the car, PO Kolanovic stood beside the car and leaned on the passenger-side fender (next to the sidewalk), and § 87(2)(b) approached him. They began to speak to one another—§ 87(2)(b) kept repeating that he knew PO Kolanovic “from the neighborhood,” but PO Kolanovic told him he did not know what he was talking about. § 87(2)(b) was acting very “fidgety” and “nervous,” and PO Kolanovic believed that he may have been emotionally disturbed. To elicit information from § 87(2)(b) PO Kolanovic started to talk to him about “normal stuff, about the weather, and stuff like that.” He asked § 87(2)(b) for his name, which § 87(2)(b) provided. PO Kolanovic gave § 87(2)(b) s name to Sgt. Zaleski, who was still sitting in the car. (PO Kolanovic believed that Sgt. Zaleski ran a warrant check on § 87(2)(b) s name at this time). PO Kolanovic asked § 87(2)(b) if he lived in the area, which § 87(2)(b) said he did. After PO Kolanovic had been speaking to § 87(2)(b) for about “two or three minutes,” Sgt. Zaleski exited the car from the passenger side door. When Sgt. Zaleski reached them, § 87(2)(b) punched Sgt. Zaleski in the chest and said, “Fuck this.” § 87(2)(b) then fled the scene, running southbound on 15<sup>th</sup> Avenue. He made a right on 71<sup>st</sup> Street and continued to run on that street. PO Kolanovic got back into the police vehicle with Sgt. Zaleski and drove after § 87(2)(b) making a right turn on 70<sup>th</sup> Street and going toward 14<sup>th</sup> Avenue (he explained that he could not turn right on 71<sup>st</sup> Street because it was a one way street). When they reached 14<sup>th</sup> Avenue, PO Kolanovic made a right and drove toward 71<sup>st</sup> Street. As he was driving, PO Kolanovic observed “a few” civilians pointing toward a house located at § 87(2)(b). He did not recall exactly how many people pointed or who these people were, but he stated that they appeared to be passing by the location. PO Kolanovic parked, got out of his car and approached the house with his partners. The group of officers spread out, and PO Kolanovic could not recall specifically who went where, but he explained that he walked toward the gate leading to the house’s back yard, and the other officers walked around the other side of the house, along its driveway. When he

reached the gate, PO Kolanovic observed that it was broken—a piece of wood with the gate's latch attached to it had splintered off, and was lying on the ground.

PO Kolanovic entered the yard and began to look for § 87(2)(b)—he was joined by PO Caputo in his search. After a search lasting “a couple of seconds,” he and PO Caputo saw § 87(2)(b) crouched down behind a barbecue. PO Kolanovic asked § 87(2)(b) “What are you doing? What are you hiding for?” After he said this, § 87(2)(b) got out from behind the barbecue and attempted to run toward the back of the yard, toward the fence separating it from one of the neighboring yards. PO Kolanovic assumed that § 87(2)(b) was trying to “jump the fence” into the other yard. Before § 87(2)(b) got to the fence, however, PO Kolanovic was able to stop him. He attempted to “grab” § 87(2)(b)'s arm, but instead grabbed his jacket. He held onto the jacket, and a struggle ensued, whereby § 87(2)(b) attempted to break free of PO Kolanovic's grasp. § 87(2)(b) fell to the ground and PO Kolanovic grabbed one of his arms and proceeded to place handcuffs on him. No other officers assisted PO Kolanovic when he handcuffed § 87(2)(b). After § 87(2)(b) had been restrained, he began to complain to PO Kolanovic that his knee hurt and that he could not walk. One of the officers (PO Kolanovic could not recall which one) called for an ambulance to respond to the scene, and approximately one minute later, EMS arrived on the scene. PO O'Halloran and PO Caputo accompanied § 87(2)(b) in the ambulance and rode with him to § 87(2)(b). The entire interaction prior to when § 87(2)(b) was taken to the hospital lasted about seventeen minutes. PO Kolanovic and Sgt. Zaleski returned to their vehicle after § 87(2)(b) had been removed to the hospital, and they drove back to the 62<sup>nd</sup> Precinct stationhouse to begin processing the arrest. Within an hour, § 87(2)(b) was brought back to the precinct. He was charged with § 87(2)(b). He was not charged with assault for punching Sgt. Zaleski because it did not result in any injury.

PO Kolanovic stated that neither he nor any of his partners ever frisked or searched § 87(2)(b). § 87(2)(b) never removed any items from his own pockets before he ran from the initial stop location. PO Kolanovic stated that he never touched § 87(2)(b) prior to when he apprehended him in the back yard. Neither PO Caputo nor PO O'Halloran had any interaction with § 87(2)(b) before he was removed to the hospital. PO Kolanovic stated that he did not observe any civilians or neighbors in or near the back yard where he apprehended § 87(2)(b). The only physical force that PO Kolanovic used against § 87(2)(b) was when he brought him to the ground to be apprehended. None of the officers present ever hit or kicked § 87(2)(b) at any point. No officers ever dropped or threw § 87(2)(b) to the ground, or caused him to fall to the ground (with the exception of when PO Kolanovic grabbed his jacket and tried to prevent him from running away, before he was handcuffed). PO Kolanovic stated that he did not know if § 87(2)(b)'s head or face ever hit the ground at any point, but he said that he did observe a “red mark” on § 87(2)(b)'s face. Other than this mark, PO Kolanovic did not observe any other injuries to § 87(2)(b)'s body. PO Kolanovic stated that the warrant check run by Sgt. Zaleski yielded a result for an expired warrant. § 87(2)(b) was never informed by any officer that there was a warrant out for his arrest or that he was being placed under arrest prior to when he ran from the scene of the stop. Other than PO Kolanovic, PO Caputo, PO O'Halloran, and Sgt. Zaleski, no other NYPD officers had any involvement in this incident.

#### **Sgt. Christopher Zaleski, 62<sup>nd</sup> Precinct**

*Sgt. Christopher Zaleski of the 62<sup>nd</sup> Precinct was interviewed at the CCRB on May 16, 2006 (encl. 27a-c). On March 1, 2006, Sgt. Zaleski worked from 9:03am to 6:00pm and was assigned to the burglary apprehension team. He was working with PO Frank Kolanovic, PO Michael O'Halloran and PO Louis Caputo, and he was in uniform. He was assigned to an unmarked gold Crown Victoria, RMP # 713. He had no memo book entries for this incident (encl. 26a-b), and he provided similar testimony to PO Kolanovic with the following exceptions:*

When Sgt. Zaleski first observed § 87(2)(b) standing in the middle of the street, there were at least two cars in the northbound lane trying to get around him, and they were honking their horns at him. When Sgt. Zaleski ran § 87(2)(b) name and information for warrants, he discovered that § 87(2)(b) did have an arrest warrant (Sgt. Zaleski later determined that the warrant had expired). Sgt. Zaleski exited the vehicle to speak to § 87(2)(b) about the warrant and to verify his information. He wanted to determine whether they needed to take him down to the stationhouse to verify the warrant's status. However, before he had a chance to say anything about the warrant, § 87(2)(b) punched Sgt. Zaleski in the chest with a closed fist and said, “Fuck this.” After he punched Sgt. Zaleski, § 87(2)(b) “spun” around so that his back to was to Sgt. Zaleski, and he ran from the location. Sgt. Zaleski was not injured by this punch, and he stated that he believed § 87(2)(b) punched him to cause a distraction while he ran away. Sgt. Zaleski

began to chase § 87(2)(b) on foot, going about half a block down the street that § 87(2)(b) had run down. Sgt. Zaleski stated that he thought he was the only officer who chased § 87(2)(b) on foot, and he did not believe that PO Caputo or PO O'Halloran got out of the car to pursue § 87(2)(b). As he was running toward 14<sup>th</sup> Avenue, PO Kolanovic pulled up beside him in their police car, and Sgt. Zaleski got back into the front passenger side seat of the vehicle. When the officers reached the house that the pedestrians pointed to, Sgt. Zaleski and PO O'Halloran went around the left side of the house to look for § 87(2)(b) while PO Caputo and PO Kolanovic went around the right side of the house. After Sgt. Zaleski had been searching along the side of the house for about one minute, he heard one of the officers on the other side of the house (either PO Caputo or PO Kolanovic) yell, "I got him over here."

When they got into the yard on the other side of the house, Sgt. Zaleski saw that § 87(2)(b) was sitting down on the ground in handcuffs with his back against the fence. PO Kolanovic and PO Caputo were standing next to § 87(2)(b). Sgt. Zaleski and his partners tried to help § 87(2)(b) stand up, but he complained that his leg hurt too much for him to stand. One of the officers (Sgt. Zaleski could not recall which one) called for medical assistance to respond to the scene. While they were waiting in the back yard, Sgt. Zaleski observed an elderly female standing in the back yard behind the one where § 87(2)(b) was apprehended. Sgt. Zaleski could not recall where she was standing in the back yard, and he said that she could have been watching out of the window of the house behind § 87(2)(b). Sgt. Zaleski and one or more of his partners "lifted § 87(2)(b) up" and helped him walk to the ambulance. PO Kolanovic and Sgt. Zaleski returned to the 62<sup>nd</sup> Precinct stationhouse, where PO Kolanovic began to process the arrest. When § 87(2)(b) was brought back to the precinct, he was standing on his own and did not appear to have any trouble walking. PO Kolanovic never placed his hands on § 87(2)(b) prior to when he was apprehended. Sgt. Zaleski stated that neither he nor any of his partners told § 87(2)(b) that he was under arrest before he ran. § 87(2)(b) never asked if he was being placed under arrest prior to him fleeing the scene. § 87(2)(b) did not fall at any point after he was placed in handcuffs, and he never lost consciousness.

#### **PO Michael O'Halloran, 62<sup>nd</sup> Precinct**

*PO Michael O'Halloran of the 62<sup>nd</sup> Precinct was interviewed at the CCRB on May 16 (encl. 29a-c). On March 1, 2006, PO O'Halloran worked from 9:00am to 5:35pm with Sgt. Chris Zaleski, PO Frank Kolanovic and PO Louis Caputo. He was assigned to the 62<sup>nd</sup> Precinct BAT team, and he was working in RMP # 713, described as a gold sedan with tinted windows. He was in uniform. He did not have any memo book entries regarding this incident (encl. 28a-b), and he provided similar testimony to PO Kolanovic and Sgt. Zaleski with the following exceptions:*

PO O'Halloran did not hear anything that PO Kolanovic and § 87(2)(b) said to one another while they were talking on the sidewalk. When Sgt. Zaleski ran § 87(2)(b)'s name for warrants, "something came up," but the date of birth was different than the one provided by PO Kolanovic, so they did not know if the warrant was for § 87(2)(b) or for a different person with his name. When § 87(2)(b) began to run from the scene, PO O'Halloran and PO Caputo got out of their vehicle and began to chase after § 87(2)(b). PO O'Halloran did not recall if PO Kolanovic and Sgt. Zaleski chased after him. § 87(2)(b) ran approximately one block on 15<sup>th</sup> Avenue, then he made a right turn onto the next block. Because they could not catch up to § 87(2)(b) on foot, all four of the officers got back into their car and drove in the direction that they saw § 87(2)(b) run. When they neared 14<sup>th</sup> Avenue, two civilians who were walking by on the street pointed to a house located near the corner of 14<sup>th</sup> Avenue and 71<sup>st</sup> Street ( § 87(2)(b) and said, "Some guy just ran behind that house." After § 87(2)(b) was apprehended in the back yard, PO O'Halloran saw that the fence leading into the back yard had been broken—PO O'Halloran did not see how the fence had become damaged. PO O'Halloran also noticed that § 87(2)(b) had a scrape on his knee and another scrape on his face, but he never found out how these injuries were sustained. Neither of these injuries were present on § 87(2)(b)'s body before he ran from the officers. When the ambulance arrived, two EMTs escorted § 87(2)(b) to the ambulance. PO O'Halloran and PO Caputo both rode to the hospital with § 87(2)(b) in the back of the ambulance.

When they arrived at the hospital, § 87(2)(b) stated that he could not walk properly due to his knee injury. Somebody who worked at the hospital told § 87(2)(b) that he would need to pay for his medical treatment, and when § 87(2)(b) heard this, he refused medical treatment. PO O'Halloran remained at the hospital with § 87(2)(b) for about an hour, and after he was released, he and PO Caputo brought him back to the 62<sup>nd</sup> Precinct. PO O'Halloran stated that § 87(2)(b) had no trouble walking out of the hospital, and that his limp had gone away by the time they left. PO O'Halloran never saw PO



Kolanovic or any other officer ever use any force against § 87(2)(b) prior to when he was handcuffed, or after he was handcuffed. The only time that PO O'Halloran ever placed his hands on § 87(2)(b) was when he led him into the hospital. At one point, PO O'Halloran spoke to a male who lived at § 87(2)(b) to inform him of what had happened, but he did not have any extended conversation with this individual, and the male did not witness the incident.

#### **PO Louis Caputo, 62<sup>nd</sup> Precinct**

*PO Louis Caputo was interviewed at the CCRB on June 20, 2006 (encl. 30a-c). On March 1, 2006, PO Caputo was assigned to the 62<sup>nd</sup> Precinct, but he has since been transferred to the 62<sup>nd</sup> Precinct Detective Squad. On March 1, 2006, PO Caputo worked from 9:00am to 5:35pm. He was working with Sgt. Chris Zaleski, PO Michael O'Halloran and PO Frank Kolanovic. He was assigned to the Burglary Apprehension team. He was in uniform and was assigned to a gold, unmarked Crown Victoria, RMP number 713. He had no memo book entries, and he provided similar testimony to PO Kolanovic, Sgt. Zaleski and PO O'Halloran with the following exceptions:*

PO Caputo had never had any interaction with § 87(2)(b) prior to March 1, 2006, but he stated that he knew who § 87(2)(b) was. § 87(2)(b) has had several interactions with officers in the 62<sup>nd</sup> Precinct, and has been arrested and processed at the 62<sup>nd</sup> Precinct before, so PO Caputo recognized him from these occasions. When PO Caputo saw § 87(2)(b) he noticed that he was standing either on or near a street corner. As the officers neared him, § 87(2)(b) "said something into the car about knowing one of the cops, about knowing Frankie [PO Kolanovic]." Because PO Caputo was sitting in the back of the car and not paying close attention to what was going on in front of him, he did not know if § 87(2)(b) said or did anything prior to addressing PO Kolanovic. PO Caputo did not hear anything PO Kolanovic said to § 87(2)(b) while they were talking on the sidewalk, but he stated that § 87(2)(b) appeared to be calm. Sgt. Zaleski discovered that § 87(2)(b) had an outstanding arrest warrant, but that it had expired. After Sgt. Zaleski got out of the car to speak with § 87(2)(b) PO Caputo exited the car himself, but not to talk to § 87(2)(b). He explained that he got out because there were "books on the back seat and they were annoying [him], so [he] went to put them up behind the head rest." PO O'Halloran remained sitting in the back seat at this time. PO Caputo was outside the car repositioning the books for about "five seconds," and after he finished, he glanced toward where Sgt. Zaleski and PO Kolanovic had been talking to § 87(2)(b). When he did this, he saw that PO Kolanovic and Sgt. Zaleski were chasing § 87(2)(b) down the street. PO Caputo did not join in the chase.

When the officers reached § 87(2)(b) PO Kolanovic entered the back yard ahead of PO Caputo. PO Caputo soon observed § 87(2)(b) hiding next to an above-ground pool, behind a barbecue grill. When he noticed the officers, § 87(2)(b) got up from his hiding place and began to run toward the rear fence of the back yard. Because PO Kolanovic was standing in front of PO Caputo, all PO Caputo could see was PO Kolanovic's back, but he stated that PO Kolanovic appeared to grab § 87(2)(b) from the back before he reached the rear fence. The next thing PO Caputo saw was § 87(2)(b) falling to the ground by PO Kolanovic's feet. PO Kolanovic nearly fell on top of § 87(2)(b) after he was brought to the ground, but he was able to regain his balance. PO Caputo did not observe any injuries on § 87(2)(b)'s person before or after he had been apprehended. While they were waiting for the ambulance, PO Caputo went to the front of the house and knocked on the door. He spoke to "the kid who owned the house," and brought him around to the back yard. PO Caputo asked the owner if he knew § 87(2)(b) and he replied that he did not. § 87(2)(b) then addressed the owner and stated that he knew him, but the owner asserted that he had no idea who § 87(2)(b) was. PO Caputo showed the broken wooden gate to the owner as well, and the owner stated that the fence had not been broken before the incident occurred.

PO Caputo did not have any verbal or physical interaction with § 87(2)(b) before he caught up to him in the back yard. PO Caputo explained that after § 87(2)(b) was placed under arrest, he was frisked because it is procedure to pat people down after they are arrested. He could not recall who frisked § 87(2)(b) after he had been handcuffed. This was the only time § 87(2)(b) was frisked during the entire incident. PO Caputo stated that he did not hear Sgt. Zaleski or any other officer tell § 87(2)(b) that he had a warrant before he ran from the officers. PO Caputo never saw § 87(2)(b) strike any officer, but he reiterated that he did not see what happened leading up to when § 87(2)(b) fled because he was arranging the books in the back seat.

## Medical Records

The **ambulance call report** for § 87(2)(b) (encl. 31a-b) stated that his chief complaint was “My right knee and right ankle hurt.” He sustained a blunt trauma injury to his right knee, right ankle and right elbow. In the comments narrative, it stated the following: “Found § 87(2)(b) -old male, alert and oriented, arrested by NYPD, ambulatory at scene. Patient is complaining of pain to right knee, right ankle. Upon physical examination, negative loss of consciousness, negative head/neck/back pain, abrasion to right eye, abrasion to right lower lip, negative dizzy, lungs clear, bilateral abdomen non-tender, positive neurological function, positive abrasion to right knee, pain ‘3’ of 10. Negative swelling, negative deformities to area, positive pain, negative deformities/swelling to right ankle, pain ‘3’ of 10, negative other obvious trauma/bleeding. Patient trip to hospital 94, accompanied by NYPD 14318/7462 (62 Pct). Top 3 indicator change in condition.” There was no indication on the report of how these injuries were sustained.

**Medical records** were requested from § 87(2)(b) (encl. 32), where § 87(2)(b) was taken after the incident. However, the hospital possessed no records for § 87(2)(b) that corresponded to the date of the incident. He did not receive treatment at § 87(2)(b) on March 1, 2006.

## Police Documents

The **special police radio inquiry network terminal (SPRINT) index** for March 1, 2006 (encl. 33a-b) indicated that at 1:07pm, a radio call was generated at 71<sup>st</sup> Street and 14<sup>th</sup> Avenue. That **SPRINT job (number W05963, encl. 34)** indicated that at 1:07pm, there was “1 under” at the location of 71<sup>st</sup> Street and 14<sup>th</sup> Avenue. A request was made for EMS to respond to the scene. Truck number A8786 responded to call number 060601477, and arrived at 1:13pm. At 1:25, the ambulance was en route to § 87(2)(b).

The **62<sup>nd</sup> Precinct finalized Tour 2 roll call** (encl. 35a-b) showed that Sgt. Zaleski was assigned to work from 9:00am to 5:57pm on the burglary apprehension team (BAT). PO Kolanovic, PO Caputo and PO O’Halloran were also assigned to BAT, and they worked from 9:00am to 5:35pm. The **62<sup>nd</sup> Precinct command log** for March 1, 2006 (encl. 36) showed that PO Kolanovic arrested § 87(2)(b) 1:07pm for § 87(2)(a) 160.50. He was arrested at 71<sup>st</sup> Street and 14<sup>th</sup> Avenue in Brooklyn. It stated in the log that § 87(2)(b) sustained bruises to his head and pain to his right leg. The **property voucher** for § 87(2)(b) (encl. 37) indicates that he had two cell phones and two cell phone batteries vouchered.

## Civilian Record of Criminal Convictions

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

## Civilian and Officer CCRB Histories

§ 87(2)(b) has filed a total of four complaints with the CCRB, § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(g)  
Neither PO Kolanovic (encl. 3), Sgt. Zaleski (encl. 4), PO Caputo (encl. 5) nor PO O’Halloran (encl. 6) have had any substantiated allegations filed against them at the CCRB. PO Kolanovic, Sgt. Zaleski, PO Caputo and PO O’Halloran have worked with the NYPD for six years, seven years, nine years and nine years, respectively.

## Conclusions and Recommendations

### **Officer Identification**

PO Kolanovic and Sgt. Zaleski were both identified on § 87(2)(b)'s arrest report. During his interview, PO Kolanovic identified Sgt. Zaleski, PO Caputo and PO O'Halloran as his partners on March 1, 2006. All of the officers explained that they were the only ones present on the scene at the time the incident with § 87(2)(b) occurred. None of the officers disputed their own presence on the scene.

In his statement, § 87(2)(b) identified one of the officers as having the last name "Paluto." When he was shown a photo of PO Kolanovic, § 87(2)(b) identified him as having the last name "Paluto." He also identified Sgt. Zaleski as having the last name "Palowski," and stated that he was the officer who told him that he had an arrest warrant. § 87(2)(g)

§ 87(2)(b) stated that two officers frisked and searched him before he ran from the stop location. One of these officers was identified as PO Kolanovic (who § 87(2)(b) said had the last name "Paluto"). With regard to the other officer, § 87(2)(b) stated in his interview that this officer was the same officer who asked him if he "like[d] hiding" when he came upon him in the back yard of § 87(2)(b). When shown PO Caputo's photo, § 87(2)(b) identified him as the same officer who asked him if he "like[d] hiding." § 87(2)(g)

After § 87(2)(b) was discovered hiding in the back yard, the same officer who asked him if he "like[d] hiding" began to kick him and hit him. § 87(2)(b) identified PO Caputo from his photo as the officer who "started punching and kicking [him]." § 87(2)(b) also stated in his photo array interview that PO Kolanovic started to hit and kick him after PO Caputo.

§ 87(2)(g) § 87(2)(b) claimed in his interview that he was certain that PO Caputo was kicking him, and that he may have been joined by one or more other officers who he could not see. § 87(2)(g)

Finally, § 87(2)(b) alleged that each of the four officers on the scene grabbed one of his limbs, picked him up off the ground and dropped him, causing him to hit his face on the ground. § 87(2)(g)

### **Disputed and Undisputed Facts**

It is undisputed that PO Kolanovic got out of his police vehicle and began speaking to § 87(2)(b) on the corner of 15<sup>th</sup> Avenue and 70<sup>th</sup> Street in Brooklyn. Sgt. Zaleski ran § 87(2)(b)'s pedigree information for warrants. § 87(2)(b) ran from the scene of the stop, going from 15<sup>th</sup> Avenue to 14<sup>th</sup> Avenue, eventually coming to a stop in the back yard of § 87(2)(b). He was discovered by at least PO Caputo, and he was placed in handcuffs. § 87(2)(b) requested an ambulance due to the fact that he believed he may have been injured. An ambulance responded to the scene, and PO Caputo and PO O'Halloran rode with § 87(2)(b) to § 87(2)(b) § 87(2)(g). Specifically, § 87(2)(b) said that the officers approached him as he was crossing the street and that PO Caputo began to engage him in conversation. All four of the officers exited the car and started to talk to him, asking him what he was doing and where he was going. Sgt. Zaleski, PO Kolanovic and PO O'Halloran all stated that § 87(2)(b) was standing in the middle of the street, and that they approached him to see what he was doing. § 87(2)(b) then called into the police car, stating that he knew PO Kolanovic. PO Caputo stated that he did not see § 87(2)(b) standing in the middle of the street, but he also said that he was not paying attention before § 87(2)(b) called out to PO Kolanovic. Each of the officers maintained that only PO Kolanovic exited the car at first, and then PO Zaleski got out after him to talk to § 87(2)(b). § 87(2)(b) claimed that PO Kolanovic and PO Caputo searched and frisked him, removing items from his pockets. All of the officers maintained that § 87(2)(b) was not frisked or searched prior to his arrest. § 87(2)(b) claimed that Sgt. Zaleski told him that he was being arrested on a warrant, which caused him to flee. Sgt. Zaleski, PO Kolanovic and PO O'Halloran all stated that Sgt. Zaleski only exited the vehicle to talk with § 87(2)(b) not to place him under arrest, and that Sgt. Zaleski did not speak to § 87(2)(b) before he fled. All of the officers (except for PO Caputo) stated that § 87(2)(b) punched Sgt. Zaleski in the chest before he ran. § 87(2)(b) said that when he was discovered in

the yard, PO Caputo approached him and began to kick and hit him. PO Caputo was joined by another officer during this attack. Only PO Caputo and PO Kolanovic stated that they witnessed § 87(2)(b) hiding in the back yard. Both asserted that § 87(2)(b) started to run from them when he saw them, and that PO Kolanovic brought him to the ground by grabbing his jacket. None of the officers stated that physical force was used against § 87(2)(b) except for when PO Kolanovic was trying to catch him. § 87(2)(b) stated that each of the four officers picked him up off the ground and dropped him from shoulder-height, but each of the officers denied that this happened.

#### Assesment of Evidence

§ 87(2)(g)

§ 87(2)(b) In his phone statement, § 87(2)(b) stated that it was PO O'Halloran (identified by pedigree information and through a photo array) who searched his pockets. He said that he thought PO Kolanovic may have searched his pockets as well, but he was unsure. He also said that one or more officers patted the outsides of his pockets while PO O'Halloran (and possibly PO Kolanovic) were searching him. He gave a very different description of the frisk and search in his CCRB interview. He claimed that PO Kolanovic definitely did search his pockets, and that he was joined by PO Caputo, not PO O'Halloran. He also said that Sgt. Zaleski and PO O'Halloran "watched" while the other two officers searched him. He also claimed in his phone statement that it was PO Caputo who requested his identification, but in his sworn statement, he stated that it was Sgt. Zaleski. § 87(2)(g)

§ 87(2)(b) This factor was listed on the § 87(2)(b) fact sheet (filled out by PO Kolanovic). PO Caputo, PO O'Halloran, and § 87(2)(b) himself also supported it. § 87(2)(g)

§ 87(2)(b) did not file this complaint himself—his mother filed it on his behalf—but both may have been motivated by the arrest to file and follow through with this complaint for retaliatory reasons. § 87(2)(g)

§ 87(2)(g) PO Kolanovic's oral statement to the CCRB corresponded to the statements he made on the complaint and arrest reports, the § 87(2)(b) fact sheet, and the supporting deposition. With regard to the § 87(2)(b) PO Kolanovic and PO Caputo's statements that § 87(2)(b) claimed to know the owner of the house were corroborated by § 87(2)(b)'s statement to the CCRB. He stated that § 87(2)(b) claimed to know who he was, but he denied that he knew § 87(2)(b) § 87(2)(g)

#### Allegation A: PO Frank Kolanovic stopped and questioned § 87(2)(b)

PO Kolanovic, Sgt. Zaleski and PO O'Halloran all testified that before PO Kolanovic was asked to step over to the side of the street to be questioned, he had been standing motionless in the middle of the street. PO Caputo, on the other hand, said that § 87(2)(b) was standing either on or near a corner when he first observed him. § 87(2)(g)

§ 87(2)(b) told a very different story than the officers, claiming that he was only crossing the street when all of the officers stopped and questioned him. § 87(2)(g)

PO Kolanovic claimed that his reason for pulling over and instructing § 87(2)(b) to walk to the curb was because he believed he was in some kind of distress. The other officers interviewed confirmed that they, too, believed that § 87(2)(b) could have been emotionally disturbed. § 87(2)(g)

Furthermore, Penal Law section 240.20 subdivision 5 states that “A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: 5) He obstructs vehicular or pedestrian traffic” (encl. 1). The officers testified that § 87(2)(b) was blocking cars, such that they had to honk their horns at him. § 87(2)(g)

**Allegation B: Abuse of Authority: PO Frank Kolanovic frisked § 87(2)(b)**

**Allegation C: Abuse of Authority: PO Louis Caputo frisked § 87(2)(b)**

**Allegation D: Abuse of Authority: PO Frank Kolanovic searched § 87(2)(b)**

**Allegation E: Abuse of Authority: PO Louis Caputo searched § 87(2)(b)**

§ 87(2)(g)

As noted above, his statements varied with regard to whether it was PO Caputo, PO Kolanovic, or PO O'Halloran. He could also not decide on whether the same officers who searched him also frisked him, or whether the frisk and search were performed by different officers. Each of the officers maintained that § 87(2)(b) was not frisked or searched until after he was apprehended, incident to his lawful arrest. § 87(2)(g)

**Allegation F: Force: PO Frank Kolanovic used physical force against § 87(2)(b)**

Though § 87(2)(b) alleged that PO Kolanovic assaulted him and dropped him on the ground (along with the other officers), PO Kolanovic stated that he only used force against § 87(2)(b) when he grabbed his jacket and brought him to the ground. § 87(2)(g)

New York Criminal Procedure Law section 35.30 also dictates that “A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary” (encl. 2a-c). § 87(2)(g)

**Allegation G: Force: PO Louis Caputo used physical force against § 87(2)(b)**

**Allegation H: Force: An officer used physical force against § 87(2)(b)**

**Allegation I: Force: Sgt. Christop Zaleski used physical force against § 87(2)(b)**

**Allegation J: Force: PO Michael O'Halloran used physical force against § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: